Decision Memo

USDA-Forest Service

Sweetwater Mine Reclamation Project

Sierra National Forest

Mariposa County, California

BACKGROUND

The Forest Service is proposing a mining reclamation, wildlife and watershed improvement project at the Sweetwater Mine located on the Bass Lake Ranger District of the Sierra National Forest. The Abandoned Mine Land (AML) program objective is to mitigate hazards to human health and the environment at abandoned and inactive mines, consistent with Forest Service policy that "All lands disturbed by mineral activities shall be reclaimed to a condition that is consistent with forest land and resource management plans, including applicable State air and water quality requirements" (Forest Service Manual (FSM) – 2840).

The Sweetwater Mine is an abandoned mine site located in central California in Mariposa County, CA in T. 4 S.; R. 19E; Sections 17 & 20. It was a lode gold mine for almost 140 years

and was operating on-and-off from 1862 until it closed down in 1998. With its closure, it reverted into the care of the US Forest Service. Many of the structures, adits, and tunnels on the property are still visible and easily accessible. This poses a serious safety concern for people visiting, or living near this site as it has fallen into disrepair. The mine site has become a target for vandalism and theft since ceasing operations.

The mine site encompasses approximately 20 acres, however most reclamation operations would take place within the 2 acres surrounding the mine buildings and the creek. The elevation ranges from 4200-4400 feet. Dominant vegetation types include Ponderosa pine, mixed hardwood conifer, and montane hardwood. Sweetwater creek is a class II intermittent stream.

The mine site has abandoned buildings that are falling apart and are a public hazard; there are abandoned cars and abandoned mine equipment; trash is strewn throughout the mine area, including in Sweetwater Creek; and invasive non-native vegetation is growing at the site. There is an open trench with unstable sides that may be a public hazard. Direction in the Sierra National Forest Land and Resources Management Plan (SNF LRMP) calls for all mining projects to provide for resource protection and rehabilitation (S&G 145: page #4-22). The Sweetwater Mine site is not meeting the Sierra National Forest's desired conditions in terms of biodiversity, wildlife habitat, watershed condition and Streamside Management Zone (SMZ) management objectives.

This proposed project is the last phase in a series of actions that have been undertaken to rehabilitate the Sweetwater Mine site, including closing off open shafts and adits.

The Sweetwater Mine site is not meeting the Sierra National Forest's desired conditions in terms of biodiversity, wildlife habitat, watershed condition and SMZ management objectives.

The purpose of the project is to: 1) improve public safety by removing physical hazards including six wooden structures and several abandoned cars, and stabilize portions of an open trench with very high unstable sides; 2) eliminate the potential for trespass and occupancy of those structures; 3) improve native biodiversity by treating invasive, non-native vegetation; 4) remove abandoned mine structures and equipment; 5) improve wildlife habitat; 6) improve watershed conditions and riparian conditions by removing mine debris and trash from within the Streamside Management Zone of Sweetwater Creek; 7) assess and stabilize a wooden retaining wall under the collapsed mill building; 8) and decommission three non-system roads within the mine area; 9) address potentially lead contaminated soils near the concrete structure where the mill was located.

See Sweetwater Mine Structure Debris Report Final 07092014 for details on proposed project. See Figure 3 for a map showing the location of the items that are to be restored/reclaimed.

DECISION

I have decided to authorize the reclamation of the Sweetwater Mine site by demolishing and removing the debris from six wooden buildings/structures including a dilapidated mill structure, a house, a pump building, an assay office, a chicken coop, and an outhouse to achieve the purposes of the project. Forest Service representatives will remove metal debris including

abandoned cars, metal mining equipment and other items located throughout the mine site. All boards and trash (e.g., assorted 5 gallon cans, plastic bottles) located in and near Sweetwater Creek would be removed. Three roads will be decommissioned by constructing earthen barriers to prevent vehicular access and by subsoiling/tilling the road surface to provide for natural regeneration of the site by native vegetation. In addition, a trench from the collapsed main adit has unstable side slopes and is a potential hazard to the public. Two sections along the trench will be stabilized by laying back the slope. The sections are no more than 25' wide each, along the trench. The slope would be pulled and laid back at a ½:1 slope for approximately 25' of length along the trench and 25' wide. Both sites would be disturbed for a total of 50' long and 25' wide along the trench. This amounts to 1,250 ft^2 of surface area near the top of the trench with no drainage area above the surface disturbance. The disturbance is at the top of the slope with fairly gentle 15% slopes.

Preliminary chemical analysis with a portable X-ray fluorescence (XRF) analyzer found lead (Pb) in a veneer of soil on the concrete structure where the mill was located. The amount of soil contaminated with lead is estimated to be no more than 1 cubic foot of material. Samples have been collected and sent to a lab and the result of the lab assessment is pending. The results of the lab analysis determined that the lead content in the soil is in amounts that are considered above low risk, in terms, that potential health hazards are present and natural resource management or remedial actions is needed. The lab results determined that the soil directly near the concrete mill foundation exceeds the total threshold limit concentration (TTLC) for lead (1000 mg/kg) by 12 times according to the waste classification regulations for the State of California (http://ccelearn.csus.edu/wasteclass/mod6/mod6_04.html). So any excavation (gathering & containing) and transport for off-site disposal must conform to applicable regulations. The area around the mill foundation will be watered down to control dust, covered with visqueen plastic sheeting and work will commence to clean up the site. Upon completion of the work the plastic sheeting will be recovered and disposed.

In order to restore the ecosystem in accordance with objectives of the Forest Plan, and stop the spread of weeds from the Sweetwater Mine site to adjacent Forest lands, treatment of invasive non-native weeds is proposed. Species dominating the site are Himalaya blackberry (Rubus armeniacus) and everlasting pea (Lathyrus latifolius). Scattered patches of bull thistle (Cirsium vulgare), woolly mullein (Verbascum thapsus), foxglove (Digitalis purpurea), cutleaf blackberry (Rubus laciniatus), and lilac (Syringa vulgaris) are also present. Treatment methods to eradicate invasive non-native weeds would be selected and implemented utilizing manual weed management methods. This could include removing the plants using hand tools and digging out the plant and root stock with mechanical equipment. There is enough intact native vegetation throughout most of the site that no supplemental seeding or planting should be needed, however next to the house some seeding with locally native perennial grasses may be needed. Best management practices for protection of water quality and soils would be part of the project design.

Surveys of bat use of the main house has determined that several species of bats are using the house as roosting habitat, including what appears to be a maternity colony of Forest Service Sensitive fringed myotis (Myotis thysanodes). This project proposes to construct a bat condo to provide replacement habitat for the bat species currently occupying Clyde's house. The bat

condo will utilize the plans published by the Pennsylvania Game Commission (Butchkoski and Hassinger, 1997). This bat condo was designed for use by little brown bat maternity colonies and could house more than 6000 mother bats and their young. It measures 8 feet square, with the bottom raised 8 feet from the ground. This high quality replacement habitat will give the maternity colony a suitable place to move to as Clyde's house continues to deteriorate and fall down.

In addition, the site is currently under a valid mining claim and will be rehabilitated in coordination with the current mining claimants.

Design Criteria

Water Quality

1) Water Quality Best Management Practices (BMP's) apply to the Proposed Action. See list of applicable BMP in Appendix 1.

2) Restoration
   a) Channel - At a minimum, all debris, refuse, and mining-related infrastructure and equipment should be removed from Sweetwater Creek and the Streamside Management Zone (i.e., 150 feet either side of the channel) in the project area. Large woody debris that has 'jack-strawed" into the creek as a result of mining disturbance should be bucked in place and removed by hand or carefully end-lined out of the channel such that no bank disturbance occurs.

      Although the initial inspection showed a stable, bedrock-controlled channel in the vicinity of the mill, the true channel condition will not be apparent until all of the debris is removed. The abrupt change in gradient next to the mill could be a large headcut, which would require stabilization as part of the reclamation process. As for heavy equipment work (e.g., excavators), Streamside Management Zone (SMZ) protocol should be followed. Excavators (or equivalent) that can "reach" into the SMZ to remove debris should be used. Under no circumstances should heavy equipment enter the live channel or attempt to negotiate the steep (60%) side slopes. Within the channel (safety permitting), mining structures and large intact debris should be dismantled in place and removed by hand.

      It is acknowledged that some equipment may need to enter the SMZ in order to safely remove the mill, infrastructure, trestle, and debris in the channel. Any SMZ disturbance that results from heavy equipment entry, however, may require mitigation if the disturbance exceeds the desired condition for an RCA (e.g., reduction of ground cover to less than 50%). Any mechanical activity proposed within an SMZ will require a modified operation plan (FSH 2509.22, Supplement No. 1, 3c, 14.17-4) and consultation with the district hydrologist and/or forest fisheries biologist. Moreover,

evaluation of the SMZ condition by the district hydrologist or forest fisheries biologist will be required before releasing assets and crews from the reclamation site.

b) Channel Banks - There appears to be an old rock retaining wall that is part of the mill structure (Figure 1). This part of the slope (and thus the retaining wall) has been protected by the mill structure and roof, but will likely be exposed to the elements and erosion once the mill structure is removed. This could pose a potential slope failure hazard, which would adversely affect Sweetwater Creek and could have long term watershed impacts. As such, the retaining wall should be reinforced and/or stabilized as necessary to ensure that it does not fail; however, proper and effective stabilization methods will need to be assessed after the mill structure is completely removed and the bank thoroughly inspected. There may be a need to construct a secondary retaining wall if standard erosion control methods and re-vegetation prove inadequate.

   There are two tributaries immediately downstream of the mill site on creek left (looking downstream). The first tributary ties into the road drainage and is generally unstable with a developed headcut; this will need mitigation/stabilization. The second tributary appears to be ground water flow from a collapsed adit and is causing a nick point as it enters the creek. This would benefit from stabilization, although it is a lower priority than the first tributary.

c) Slopes - Restoration activities will also include stabilizing two 25' long sections along the trench, road decommissioning, and mechanical removal of invasive plants. Stabilization of the trench walls will be accomplished by laying back the upper portion of the wall, where it is over steepened or undercut. These newly contoured slopes will need protection until they are sufficiently re-vegetated and self-stabilizing.

   Only two sections along the trench will be stabilized by laying back the slope. The sections are no more than 25' wide each along the trench. The slope would be pulled and laid back at a ½:1 slope for approximately 25' of length along the trench and 25' wide. Both sites would be disturbed for a total of 50' long and 25' wide along the trench. This amounts to 1,250 ft^2 of surface area near the top of the trench with no drainage area above the surface disturbance. The disturbance is at the top of the slope with fairly gentle 15% slopes.

   All of the disturbed slopes will need protection from erosion until the sites are sufficiently re-vegetated and self-stabilizing. Erosion control on the disturbed sites with slopes less than 15% will be required in the form of wood straw to protect the

site from rain drop impact and erosion. If wood straw is used, it should be applied at a rate of two tons per acre. An alternative to the wood straw could be certified weed free rice straw at an application rate of one ton per acre.

Any other disturbed or denuded slopes, in excess of 15%, that result from mechanical vegetation removal or road decommissioning should have wattles installed on contour every five-foot in elevation. The newly disturbed slopes should be track-walked by a bull dozer and loosely compacted so the surface is relatively flat (i.e., no rills or swales) and there is no loose or unconsolidated soil on the slope surface. Soil compaction should be no more than 1.25 gms/cm^3, similar to natural soils in the area. Once the soil surface is prepared, installation of 9" (weed-free) straw wattles should occur on contour every five-foot in elevation. The wattles need be keyed into the slope at least one quarter to one third the wattle diameter and anchored with wooden stakes or a combination of wooden stakes and ½" manila rope (see Figure 2). Wattles should be overlapped on the ends by 2-feet to prevent the downslope movement of soil between the wattles. Once installed, biodegradable erosion control fabric (e.g., fine mesh coir matt) should be installed between the wattles to mitigate rain spatter impact and prevent rill formation. If feasible, native seeds should be spread on the slope surface prior to the installation of the erosion control fabric and/or plugs of native vegetation should be planted through the erosion control fabric to help expedite stabilization. Wattles should be inspected at least once a season and cleaned of sediment and/or replaced as needed until sufficient vegetation (~50% ground cover) is established.

Figure 1. Photo shows a rough stone retaining wall beneath the mill structure. This has been protected from erosion by the mill structure and roof, but could fail when it is exposed to the elements after the mill structure is removed.

Figure 2. Wattle placement on a 3:1 slope using the stake and rope anchoring method. Wattles are installed on-contour every five-foot in elevation and keyed into the ground cover compost used on this project.

TERRESTRIAL AND AQUATIC WILDLIFE DESIGN CRITERIA

Sierra National Forest aquatic species and riparian habitat related land management standards and guidelines, as stated in the 1992 SNF LRMP (as amended and updated), that may apply to this project are:

69. Give primary management emphasis in riparian areas to protect and enhance the riparian ecosystem, riparian vegetation, water quality, soils, fish, and wildlife resources.

70. Streamside Management Zone determination will be based on methods described in FSH 2509.22, Sierra Supplement 1 which gives specific direction for width determinations. For this project: Class III streams have a 50 foot SMZ (distances are each side).

Special project design criteria to minimize disturbance to Forest Service Sensitive bat species:

1. A bat condo will be constructed on-site to provide replacement habitat for the bats currently occupying Clyde's House. The design of the bat condo will follow the engineering specifications outlined in the Pennsylvania Game Commission Bat Condo Directions (Butchkoski and Hassinger, 1997)

2. Demolition of Clyde's House (occupied with bats) is contingent upon the house being completely vacated by the bats. The bats would be allowed to locate and occupy the replacement habitat in their own time. No disturbance will be made to Clyde's house until surveys confirm that all bats have vacated the building.

3. As night temperatures decrease, bats are less likely to emerge from torpor to forage for insects. Restoration work occurring near Clyde's house within a 100 foot perimeter must take place before night temperatures drop below 40 F to minimize disturbance impacts to bats when they are in torpor.

4. **Limited Operating Period**: Restoration work must not take place between April 1 and August 16, when non-volant bat pups are likely to be present. This will minimize disturbance to young of the year bats who are dependent on the maternity roost in late summer and early fall as they learn to forage efficiently and gain fat for the winter season.

Botany

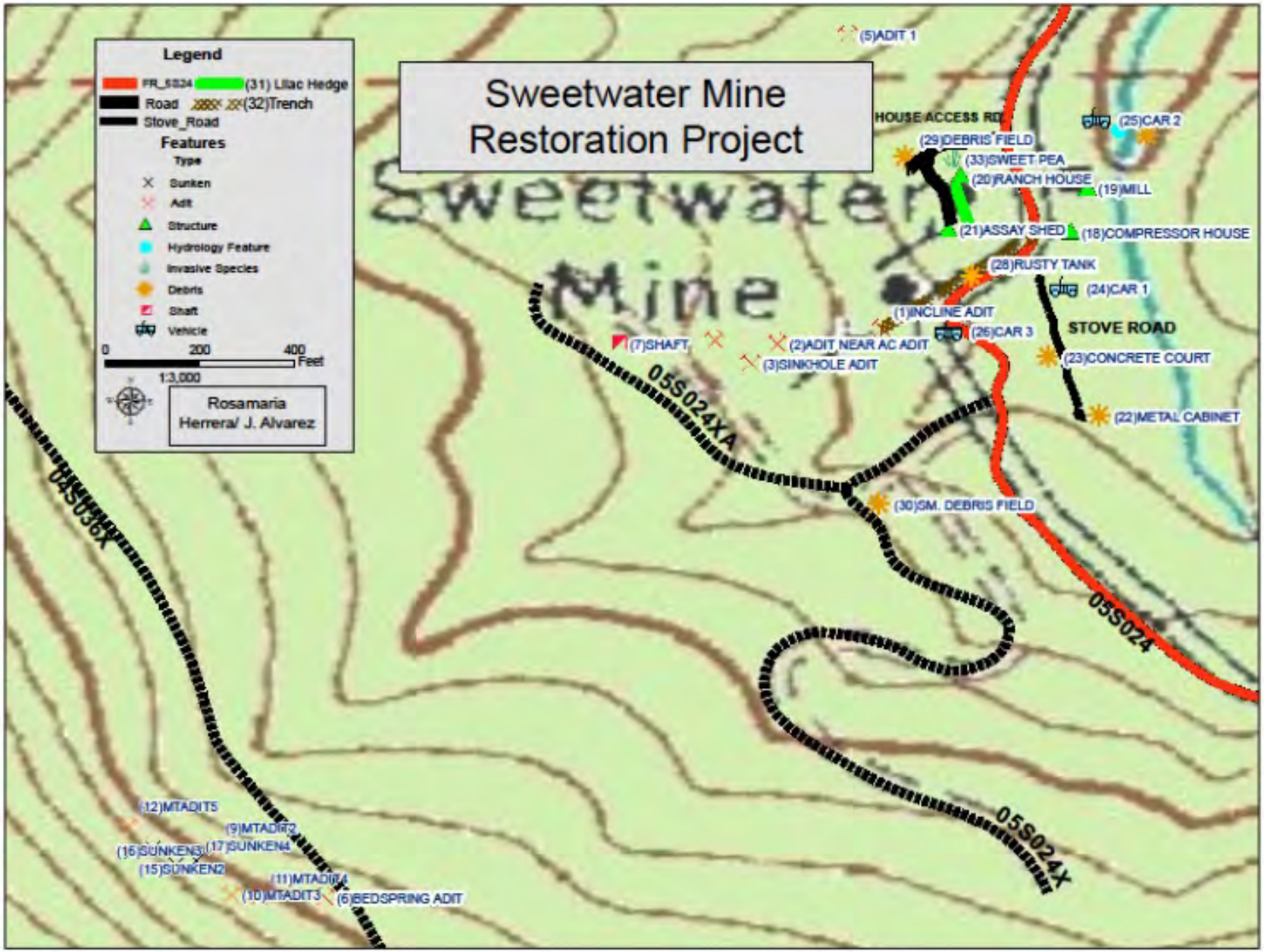
The following are the project design measures for noxious weeds/invasive non-native plants (to fulfill LRMP and FSM direction):

1) All heavy equipment and vehicles used to implement the project will arrive clean to prevent the introduction of new species of invasive non-native weeds.

2) When equipment or vehicles have worked off-road in the project area, they will be washed at a site designated for this by the Forest Botanist prior to leaving the project site (vehicles that do not travel off the road prism are exempt).

3) Crew will take measures to prevent movement of weed seeds such as: brushing off their clothing, footwear, and gear prior to leaving the site each day.

Figure 3. Location of the Sweetwater Mine



REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(18)

> *Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled.*

By removing the debris from the creek and the nearby land, the Sierra National Forest is restoring the stream, and allowing water to flow more normally down the channel without impediment.

The rationale for my decision is based on: 1) the proposed action fully meeting the criteria for Categorical Exclusions, 2) the proposed action meeting the purpose and need, 3) the findings related to extraordinary circumstances, discussed below, and 4) the project's consistency with laws and regulations, including the Forest Plan.

B. Finding of the Absence of Adverse Effects to Extraordinary Circumstances

1. **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:** The Interdisciplinary Team (ID Team) Botanist, and Wildlife Biologist determined the proposed actions would have no significant adverse effect on listed or sensitive plant, wildlife, or fish species or habitat, and suitable habitat would not be altered, as documented in the specialists' input (see plant, wildlife, and aquatics sections of the project record).

This project may lead to a short term increase in sediment as the collapsed mill is removed from the streambed. These effects should be localized and minimal. The effects to downstream habitat for foothill yellow-legged frog are expected to be beneficial, due to the removal of the mill building, boards, vehicles, oil cans, and other debris from Sweetwater Creek. Removal of these materials will allow Sweetwater Creek to return to a more natural state. This project's proposed actions are not expected to add to the cumulative effects to this species. They projected effects to the species habitat are beneficial and restorative.

No direct effects to western pond turtles are expected from the implementation of the proposed actions. This is due to the fact that surveys have not detected the species within Sweetwater Creek, and this headwaters section of Sweetwater creek provides only marginally suitable habitat due to lack of deep pools, heavily shaded canopy, and lack of basking areas. Indirect effects to western pond turtles from improvement of the habitat are predicted. The effects to western pond turtle habitat are expected to be beneficial, due to the removal of the mill building, boards,

vehicles, oil cans, and other debris from Sweetwater Creek. Removal of these materials will allow Sweetwater Creek to return to a more natural state.

The Sweetwater Mine Reclamation Project ***may affect, but is not likely to result in federal listing or loss of viability*** for the Foothill yellow-legged frog and the Western Pond Turtle. This is due to the fact that there is no suitable habitat for this species within the project area. One intermittent stream (headwaters of Sweetwater Creek) runs through the project area, and proposed restoration activities include removal of wooden boards, trash and other debris from the stream channel and flood plain. Potential impacts to downstream suitable habitat are projected to be beneficial as the stream will be restored to a more natural condition and the removal of anthropogenic items from the stream will decrease the potential for reduced water quality and contaminants entering the creek.

The Sweetwater Mine Reclamation Project ***may affect, but is not likely to result in federal listing or loss of viability*** for the Townsend's big-eared bat, Pallid bat, and Fringed myotis. Although bats may be present at the site, the only building that is known to be inhabited by bats is Clyde's House. Design measures are in place to protect the bats from disturbance during restoration activities occurring near Clyde's House during the pup rearing season and during winter torpor/hibernation periods. A bat condo would be built to provide highly suitable bat habitat outside of Clyde's House, which is currently subject to vandalism and structural deterioration. Clyde's house would not be removed until surveys confirm that all bats have permanently vacated the house. (Otto report – undated)

No Threatened, Endangered, or Sensitive plant species occur in the project area, thus the Forest Botanist has determined that this project would not affect TES plants (Biological Assessment/Biological Evaluation for plants as required by FSM 2670 – Clines 2014)

2. Floodplains, wetlands, or municipal watersheds:
No direct or indirect significant, adverse effects to floodplains, wetlands, or municipal watersheds are proposed or expected for this project, thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 30.3.2. No impaired (Clean Water Act Section 303(d) listed) water bodies are within or directly adjacent to the project area.

The impacts of my decision on watershed resources are expected to be less than the existing condition. Removal of debris from Sweetwater Creek and stabilization of the channel banks in the vicinity of the mill will allow for normal channel function and a free flowing condition of storm flows. Since there is little or no ground disturbing activity proposed as part of the Proposed Action, the project generated ERA's (if any) will be negligible, and thus have very low potential for generating a CWE response. (Stone Hydrology Specialist Report 7/21/14).

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas:
The project is not located in a congressionally designated area, including wilderness, wilderness study areas, or national recreation areas.

4. Inventoried roadless areas or potential wilderness areas:
The project is not located in a roadless area or a potential wilderness area, and is not part of an inventoried roadless area.

5. Research Natural Areas:
The project area does not include land designated as Research Natural Areas.

6. American Indians and Alaska native religious or cultural sites and
7. Archaeological sites, or historical properties or areas:
The adverse effects to the National Register of Historic Places (NRHP) eligible Sweetwater Mine Site has have been documented and adequately mitigated through completion of a Historic American Engineering Record (HAER). Other cultural resources will be avoided by project activities. This project can be implemented without further review or consultation. If during the project implementation any previously unidentified heritage resources are discovered, all groundwork shall cease and the District Archeologist shall be notified immediately. (Potter Specialist input 7/29/14).

This action falls within a category of actions that are excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and no extraordinary circumstances[1] would preclude use of category (36 CFR 220.6(e)(3)).

PUBLIC INVOLVEMENT

This project was placed on the Schedule of Proposed Actions on March 11, 2014. A public notice was published in the Mariposa Gazette on June 12, 2014. A scoping letter was sent to 16 individuals who have been involved in past activities at the Sweetwater Mine. Five comments were received and emails were sent or calls were made to the commenters to explain more about the project. The scoping letter, scoping list and comments are available in the project file.

The biggest concern by the public is the proposal to demolish the house that is currently occupied by the bats. Members of the public are concerned that the bats would be disturbed and the demolition activity could result in mortality of the bats. The public was assured that disturbance to the bats would be adequately mitigated by constructing a bat house and monitoring. Monitoring of the bat house and the house will be conducted to determine if the bats have moved into the new bat house and out of the house. Only after surveys confirm that the bats have voluntarily left Clyde's House will the house be taken down.

There was also a concern to preserve the house in memory of Clyde Foster, the miner at the Sweetwater Mine for many years. The public was informed that the house is a public safety hazard and attempts have been made to close up the house in the past, but thefts of plywood and other materials have been prevalent at the site and it would be difficult, if not impossible to maintain the house. The public was informed that the Forest Service does not have the resources to maintain the house and that it would eventually fall into disrepair and would be a greater

[1] The mere presence of one or more of these resources conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause and effect relationship between a proposed action and the potential effects on these resource conditions and if such a relationship exist, the degree of the potential affect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. (36 CFR 220.6(b))

hazard to the public. There was another concern that historic relics of the mine be preserved. The public was informed that the Mariposa Museum has agreed to store and curate the relics and an agreement is in progress.

The 5 commenters seemed to be satisfied with the explanation of the project and the proposed action.

FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

Based on my review of the actions associated with this project, I find that the Sweetwater Reclamation Project is consistent with applicable Federal laws and regulations.

FOREST PLAN DIRECTION
The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans. The SNF Plan was approved in 1992 and provides guidance for all natural resource management activities on the SNF. NFMA also requires that all projects and activities be consistent with the plans. The decision is consistent with Forest Plan direction including all applicable goals, objectives, standards and guides (S&Gs) as shown below.

Forest policy and regulations to protect water quality and ensure watershed health are detailed by Best Management Practices (BMP's) described in the Water Quality Management for Forest System Lands in California, (USDA, 2000), the Riparian Conservation Objective Standards and Guides as set forth in the Sierra Nevada Forest Plan Amendment (USDA, 2004), and the Sierra National Forest Land and Resource Management Plan (USDA, 1991).

S&G 92. Evaluate new proposed management activities within CARs and RCAs during environmental analysis to determine consistency with the riparian conservation objectives at the project level and the AMS goals for the landscape. Ensure that appropriate mitigation measures are enacted to (1) minimize the risk of activity-related sediment entering aquatic systems. The proposed site has been reviewed by an aquatics specialist. No effects to CARs or RCAs would be anticipated from the proposal. Mitigation measures (BMPs) have been provided to reduce potential project effects.

National Forest Management Act and Sierra National Forest Plan: This action is consistent with the standards and guidelines contained in the 1992 Sierra National Forest Plan (USDA Forest Service 1992), as amended, as required by the National Forest Management Act of 1976 (see project record for further information). Minerals management goals, objectives, and standards are accomplished and protection of forest resources is assured.

Endangered Species Act: A Forest Service Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the specialists' input, and determined the Sweetwater Reclamation Project is consistent with Section 7 of the Endangered Species Act.

Clean Air Act: The intent of the Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices (BMPs). This decision incorporates Best Management Practices to ensure protection of soil and water resources and complies with the Clean Water Act and State water quality standards.

Clean Water Act and State Water Quality Laws: The Interdisciplinary Team Hydrologist has determined that this project complies with the Clean Water Act, as amended, and state and federal water quality laws, and will protect beneficial uses. No CWA Section 303(d) or 305(b) listed impaired waters occur within or tributary to the project area. Additionally, the operator will comply with applicable federal and state water quality standards, including regulations issued pursuant to the Clean Water Act, as amended.

National Historic Preservation Act: The adverse effects to the National Register of Historic Places (NRHP) eligible Sweetwater Mine Site has have been documented and adequately mitigated through completion of a Historic American Engineering Record (HAER). Other cultural resources will be avoided by project activities. No impacts to cultural resources are expected.

Migratory Bird Treaty Act: No substantial losses of migratory bird habitat are expected from the implementation of this proposal, nor any measurable impact on neotropical migratory bird populations as a whole. The proposed action would comply with the Migratory Bird Treaty Act.

Environmental Justice: The proposed action will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during the effects analysis.

Prime Farm Land, Range Land, and Forest Land: The proposed action complies with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest system. The project area does not contain any prime range land or farm land. Federal lands would be managed with appropriate sensitivity to the effects on adjacent lands.

Energy Requirements: No unusual energy demands are required to implement the proposed action.

Other Laws or Requirements: The proposed action is consistent with all other Federal, State, or local laws or requirements for the protection of the environment and cultural resources.

IMPLEMENTATION DATE

This decision will be implemented in August of 2014 and 2016 .

CONTACT PERSON

Further information about this decision can be obtained from the Bass Lake Ranger District during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at 57003 Road 225, North Fork, CA 93643; by Phone: 559-297-0706 extension 4938; by Fax: 559-297-4809; by mail at (same as above), or by e-mail: -to Judi Tapia at jetapia@fs.fed.us. For additional technical information, please contact Alan Gallegos, Sierra National Forest Supervisors Office, by calling 559-297-0706 extension 4862.

SIGNATURE AND DATE

Dated: 8/19/2014

Dave Martin
District Ranger
Bass Lake Ranger District
Sierra National Forest

Appendix 1 – *Applicable Best Management Practices (BMP)*

12.21 Exhibit 07 BMP 2.7 - Road Decommissioning

Objective: Stabilize, restore, and vegetate unneeded roads to a more natural state as necessary to protect and enhance NFS lands, resources, and water quality. The end result is that the decommissioned road will not represent a significant impact to water quality by:

1. Reducing erosion from road surfaces and slopes and related sedimentation of streams;

2. Reducing risk of mass failures and subsequent impact on water quality;

3. Restoring natural surface and subsurface drainage patterns;

4. Restoring stream channels at road crossings and where roads run adjacent to channels.

Explanation: Roads no longer needed are identified during transportation planning activities (see description of Travel Management subpart A in BMP 2.1) at the forest, watershed or project level. The unneeded road may be decommissioned, or converted to a trail or other use as appropriate. Temporary roads constructed for a specific short-term purpose (for example, ski area development, minerals exploration, or vegetation extraction) are decommissioned at the completion of their intended use, and vegetation reestablished within 10 years.

Road decommissioning terminates the use of the road as a road, and as such, treatments can range from simply blocking the road entrance, to totally eliminating the road prism and structures, and restoring the land to original contours. Treatment method is carefully chosen to minimize negative impacts to water quality, reestablish vegetation, and restore ecological processes. More aggressive techniques may include greater and longer term risks to water quality through exposure of larger disrupted soil surfaces. Road decommissioning can be accomplished by using the appropriate techniques from the following list adapted as needed to local site conditions.

Implementation:

1. Engineering and hydrology personnel conduct field review of road selected for decommissioning to determine site characteristics: aspect, soil type(s), topography, surrounding vegetation, proximity to water sources, and so forth.

2. Optimize treatments that will achieve long-term watershed protection goals on individual roads to stretch the available funds for road decommissioning over as many miles as practicable.

3. Weigh benefits and costs of treatments against alternative of placing road in storage and costs for continuing to maintain for hydrologic functionality. See BMP 2.1.

4. Prepare and implement an approved erosion and sediment control plan for both temporary and long-term recovery of the site as specified.

5. Outslope road by pulling back unstable or perched fill. Remove berms.

1. Restore stream courses and floodplains where feasible, to natural grade and configuration.

2. Remove drainage structures determined as necessary to protect water quality:

3. Re-contour disturbed fill material, and compact minimally to allow filtration.

4. Re-contour the road surface cut and fill slopes to restore natural hillslope topography where specified.

5. De-compact areas with stable fill but reduced infiltration and productivity.

6. Haul excess fill to stable disposal areas outside of the SMZ.

7. Provide effective soil cover (such as mulch, woody debris, rock, vegetation, blankets) to exposed soil surfaces for both short- and long-term recovery.

8. Revegetate disturbed areas, particularly at or near stream crossings

9. Block vehicle access to prevent motorized traffic, in conjunction with signing, publication, and enforcement of the forest's motor vehicle use map.

12.21 Exhibit 10 BMP 2.10 - Parking and Staging Areas

Objective: Construct, install, and maintain an appropriate level of drainage and runoff treatment for parking and staging areas to protect water, aquatic, and riparian resources.

Explanation: Designated parking and staging areas on NFS lands may be permanent or temporary and are associated with a variety of uses including administrative buildings, developed recreation sites, trailheads, off-highway vehicle (OHV) areas, and management projects. These parking facilities sometimes constitute large areas with little or no infiltration capacity. Runoff from these areas can create rills or gullies, and carry sediment, nutrients, and other pollutants to nearby surface waters. The risk from parking and staging areas can be managed by using the appropriate techniques from the following list adapted as needed to local site conditions.

Implementation:

1. Design and locate parking and staging areas of appropriate size and configuration to accommodate expected vehicles and prevent damage to adjacent water; aquatic, and riparian resources.

    a. Avoid sensitive areas such as riparian areas, wetlands, meadows, bogs, fens, inner gorges, overly steep slopes, and unstable landforms to the extent practicable.

    b. For staging areas, designate specific locations for fueling so that water-quality impacts are minimized.

2. Consider the number and type of vehicles to determine parking or staging area size.

a. Calculate the expected runoff generated using the appropriate design storm to determine necessary drainage based on the size of the parking or staging area.

b. Consider run-on from any contributing areas.

3. Provide signage to designate parking, staging, and refueling areas, and to minimize impacts to sensitive areas.

4. Use permeable pavements where possible, and integrate vegetative islands to trap and filter runoff.

5. Infiltrate as much of the runoff as possible using permeable surfaces and infiltration ditches or basins in areas where groundwater contamination risk is low.

6. Pave parking areas that experience heavy use and those that are used during wet periods.

7. Install curbs and gutters to direct and capture surface flow from these paved surfaces.

8. Install and maintain oil and grease separators in larger parking lots with high use and where drainage discharges directly to streams.

9. Plan for necessary clean out and disposal of material collected in these vaults.

10. Connect drainage system to existing stormwater conveyance systems where available and desirable.

11. Conduct maintenance activities commensurate with parking or staging area surfacing and drainage requirements as well as precipitation timing, intensity, and duration.

12. Limit the size and extent of temporary parking or staging areas.

13. Take advantage of existing openings, sites away from waterbodies, and areas that are apt to be more easily restored.

14. Rehabilitate temporary parking or staging areas immediately following use.

15. Effectively prevent access to the area once site restoration activities have been completed.

16. Consider the need to upgrade roads that access parking areas such as OHV parking areas or snow play areas.

12.21 Exhibit 11 BMP 2.11 - Equipment Refueling and Servicing

Objective: Prevent fuels, lubricants, cleaners, and other harmful materials from discharging into nearby surface waters or infiltrating through soils to contaminate groundwater resources.

Explanation: Many activities require the use and maintenance of petroleum-powered equipment in the field: vegetation harvest and regeneration; road, trail, and facility construction, reconstruction,

and maintenance. The activities often employ equipment that uses or contains gasoline, diesel, oil, grease, hydraulic fluids, antifreeze, coolants, cleaning agents, and/or pesticides. These petroleum and chemical products may pose a risk to surface water and groundwater during refueling and servicing the equipment.

Sale administrators, contracting officer's representatives, engineering representatives, inspectors, permit administrators, and force account crew supervisors are responsible for enforcing requirements of equipment fueling and servicing activities. They can manage the risk from fuel and chemical spills during equipment refueling or servicing by using the appropriate techniques from the following list adapted as needed to local site conditions.

Implementation:

1. Plan for appropriate equipment refueling and servicing sites during project planning and design.

2. Allow temporary refueling and servicing only at approved locations, which are well away from water or riparian resources.

3. Develop or use existing fuel and chemical management plans (for example, spill prevention control and countermeasures (SPCC), spill response plan, emergency response plan) when developing the management prescription for refueling and servicing sites.

4. Locate, design, construct, and maintain petroleum and chemical delivery and storage facilities consistent with local, State and Federal regulations.

5. Install contour berms and trenches around vehicle service and refueling areas, chemical storage and use areas, and waste dumps to fully contain spills.

6. Use liners as needed to prevent seepage to groundwater.

7. Provide training for all personnel handling fuels and chemicals in their proper use, handling, storage, and disposal.

8. Avoid spilling fuels, lubricants, cleaners, and other chemicals during handling and transporting.9. Prohibit excess chemicals or wastes from being stored or accumulated in the project area.

10. Remove service residues, waste oil, and other materials from NFS land and properly dispose them following completion of the project.

11. Clean up and dispose of spilled materials according to specified requirements in the appropriate guiding document.

12. Report spills and initiate appropriate clean-up action in accordance with applicable State and Federal laws, rules and regulations. The forest hazardous materials coordinator's name and phone number shall be available to Forest Service personnel who administer or manage activities utilizing petroleum-powered equipment.

13. Remove contaminated soil and other material from NFS lands and dispose of this material in a manner according to controlling regulations.

14. Prepare a certified SPCC Plan for each facility, including mobile and portable facilities that have oil storage capacity of at least 1,320 gallons in containers 55 gallons or greater.

a. Install or construct the containment features or countermeasures called for in the SPCC Plan to ensure that spilled oil does not reach groundwater or surface water.

b. Ensure that each SPCC Plan includes a spill contingency plan at each facility that is unable to provide secondary spill containment.

c. Ensure that clean-up of spills and leaking tanks complies with Federal, State and local regulations and requirements.

15. Prepare a contingency plan when quantities of petroleum products are capable of violating Basin Plan water-quality objectives.

16. Section H clauses for Public Works Construction include a standard clause for Spill Plan when project or activity includes oil or oil products storage exceeding 1,320 gallons, or a single container exceeding 660 gallons. Section H clauses also require designation of contractor's key personnel, including authorized on-site representative and phone number(s).